

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES)
OF AMERICA)
Plaintiff)
)
)
V.)
)
MATTHEW MARSH,)
Defendant,)
_____)

CRIMINAL NO. 4:05-cr-40025-FDS

MOTION IN LIMINE TO EXCLUDE EVIDENCE
OF DEFENDANT'S PRIOR CONVICTION(S)

Now comes the Defendant, MATTHEW MARSH, in the above-entitled matter and respectfully moves this Honorable Court to exclude evidence of any prior conviction(s) of the Defendant for any crime similar to the offense for which he is now being tried, for any crime not reflecting previous untruthfulness, or for any offense for which the United States cannot produce certified dockets.

As grounds for this motion, the Defendant states that the introduction of such evidence would have a prejudicial effect on the jury far outweighing its impeachment value and would jeopardize his right to a fair trial.

The Defendant further states that to allow such records into evidence would be a violation of his due process right to present a defense as guaranteed by the Fourteenth Amendment to the United States Constitution.

Regardless of any constitutional consideration, this Court should exercise its right to exclude said evidence in order to assure a fair trial.

Respectfully submitted,

THE DEFENDANT

By: /s/ Alan J. Black
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to Lisa Asiaf, AUSA on this 1st day of August 2006.

/s/ Alan J. Black